

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

QUAD INT'L, INCORPORATED,

Opposer

v.

ANDREA FISCHER,

Applicant.

Opposition No. 91/160,119

76.516, 972



12-27-2005

U.S. Patent & TMO/TM Mail Rpt. Dt. #11

REPLY TO ORDER TO SHOW CAUSE

Applicant, ANDREA FISCHER ("Applicant"), hereby replies to the order to show cause why judgment should not be entered against Applicant in this proceeding.

As noted in the Trademark Trial and Appeal Board's (the "Board") order of November 22, 2005, there were two oppositions filed against Application Serial No. 76/516.972; the instant proceeding and Opposition No. 91/161,452 (the "Anderson Opposition"), filed by Thomas Anderson ("Anderson"). Applicant retained attorney Michael Painter ("former counsel"), experienced trademark counsel with many years of experience, to defend her interests in both proceedings.

Applicant's former counsel was initially responsive and diligent in the representation of Applicant, duly filing the appropriate documents, including Applicant's opposition to the Motion for Summary Judgment currently pending in this proceeding. However, for inexplicable reasons, Applicant's former counsel suddenly severely failed in the performance of his duties. Ultimately, due to the gross negligence of Applicant's former counsel in failing to oppose Anderson's Motion for Judgment on the Pleadings and in subsequently failing to respond to an order to show cause as to why said motion

should not be conceded and judgment should not be entered, the Board entered judgment against Applicant in the Anderson Opposition on August 10, 2005. Consequently, the application that is the subject of the instant proceeding was deemed abandoned.

Applicant made numerous unsuccessful attempts to contact former counsel in order to inquire as to status of the opposition proceedings. See Declaration of Amanda J. McLaughlin ("McLaughlin Dec."), ¶4. Upon an independent discovery that judgment may have been entered in the Anderson Opposition, Applicant retained the services of Goodman Law Group, PC ("new counsel") to replace former counsel as Applicant's attorney of record in both Oppositions. New counsel immediately attempted to retrieve Applicant's file in order to proceed with a review of the case histories and preparation of the necessary motions to undo former counsel's wrongdoing. McLaughlin Dec., ¶6 Applicant's former counsel proved highly uncooperative in the forwarding of the client file to new counsel. In fact, after new counsel still had not received Applicant's case file following several phone calls and letters requesting such, Applicant was left with no choice but to pursue retrieval of the file through the filing of a formal complaint with the State Bar of California and a civil action in the Superior Court of California for conversion and injunctive relief in which Applicant sought a Court order compelling the surrender of Applicant's file. McLaughlin Dec., ¶7, Exhs. A & B.

Applicant's voluminous case file was finally received by new counsel on December 15, 2005, almost three months after we first requested it. McLaughlin Dec., ¶8. Currently, new counsel is in the process of reviewing the contents of the file and preparing a Motion to Set Aside Judgment in the Anderson Opposition, pursuant to Fed. R. of Civ. P. 60(b), and an opposition to Anderson's Motion for Judgment on the Pleadings to be filed concurrently therewith. McLaughlin Dec., ¶9.

Under Fed. R. Civ. P. 60(b)(1), the Board may set aside judgment on the basis of “mistake, inadvertence, surprise or excusable neglect.” Applicant, in the Motion to be filed imminently, intends to argue that her failure to oppose Anderson’s Motion for Judgment on the Pleadings, and essentially prevent judgment from being entered in that Opposition, was due to excusable neglect. Excusable neglect is determined by an evaluation of the following: 1) danger of prejudice to the non-moving party; 2) length of delay and its potential impact on the judicial proceedings; 3) reasons for the delay; and 4) whether the moving party acted in good faith. Pioneer Investment Services Company v. Brunswick Associates Ltd. Partnership, 507 U.S. 380 (1993); Pumpkin Ltd. v. The Seed Corps., 43 USPQ 2d 1582 (TTAB 1997). Notwithstanding the foregoing factors, a determination of the existence of excusable neglect is entirely within the discretion of the Board. TBMP § 545.

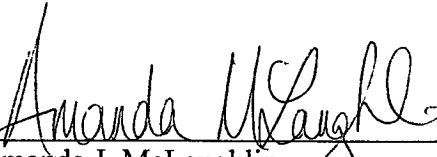
Applicant will demonstrate that the granting of Applicant’s motion will not prejudice Anderson. Furthermore, Applicant will stress that the length of the delay in moving to set aside the judgment was entirely reasonable in light of the extraordinary measures which had to be undertaken in order to retrieve the file. Moreover, it would have been decidedly imprudent for Applicant’s current counsel to proceed with a motion of such importance without first having had the opportunity to review the entirety of the rather substantial case file, especially in light of the limited access to certain documents under protective order. The delay in filing to set aside the judgment in the Anderson Opposition was beyond Applicant’s control. While the volumes of evidence and correspondence between parties were, in effect, held hostage by Applicant’s former counsel, Applicant was powerless to proceed. Finally, no bad faith can be attributed to Applicant, who believed that her interests were being vigorously promoted by the

experienced counsel who she retained, and who, upon learning to the contrary, immediately sought replacement counsel and undertook extraordinary measures to retrieve her client file with the aim of zealously defending the trademark registration to which she is entitled.

Based on the foregoing demonstration of good cause, Applicant respectfully requests that judgment not be entered in this proceeding.

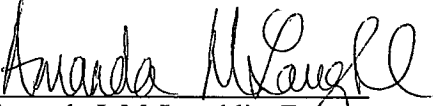
Respectfully submitted,
GOODMAN LAW GROUP, PC

Dated: December 21, 2005

By: 
Amanda J. McLaughlin
Attorneys for Applicant
695 Town Center Drive, 14th Floor
Costa Mesa, CA 92626
Tel: (714) 754-0200
amanda@goodmanlawyers.com

CERTIFICATE OF MAILING

The undersigned declares under the penalty of perjury the within REPLY TO ORDER TO SHOW CAUSE was forwarded to UNITED STATES PATENT AND TRADEMARK OFFICE, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, by depositing same with the United States Postal Service as first class mail, postage prepaid, this 21st day of December, 2005.

By: 
Amanda J. McLaughlin, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **REPLY TO ORDER TO SHOW CAUSE** was served upon counsel for Opposer by depositing one copy thereof in the United States Mail, first class postage prepaid, on December 21, 2005, addressed as follows:

Laura Fernandez
BUCHANAN INGERSOLL, P.C.
100 Southeast Second Street, Suite 2100
Miami, FL 33131

By: Amanda J. McLaughlin
Amanda J. McLaughlin, Esq.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

QUAD INT'L, INCORPORATED,

Opposer

v.

ANDREA FISCHER,

Applicant.

Opposition No. 91/160,119

DECLARATION OF AMANDA J. MCLAUGHLIN

I, Amanda J. McLaughlin, declare as follows:

1. I am an attorney at law, duly licensed to practice before all of the Courts in the State of California and am an Associate at the Goodman Law Group, PC, attorneys for Applicant, Andrea Fischer ("Applicant"), in the above-captioned matter. I have personal knowledge of the facts contained herein and if called as a witness, I could and would testify under oath competently hereto.

2. Applicant was formerly represented by Michael A. Painter, Esq. ("former counsel") in the instant proceeding and in Opposition No. 91/161,452 (the "Anderson Opposition"), filed by Thomas Anderson ("Anderson").

3. On March 23, 2005, Anderson filed a Motion for Judgment on the Pleadings. Former counsel failed to file an opposition to the Motion for Judgment on the Pleadings on Applicant's behalf. Accordingly, on June 11, 2005, the Trademark Trial and Appeal Board gave notice that, by July 11, 2005, Applicant must show cause why the Motion for Judgment on the Pleadings should not be conceded on the basis of her lack of response to such motion. Following a lack of response to this order to show cause, the Trademark Trial and Appeal Board proceeded to enter judgment against Plaintiff and refused the registration of the trademark CHLOE VEVRIER.

4. Applicant made numerous unsuccessful attempts to contact former counsel in order to inquire as to status of the opposition proceedings.

5. On September 26, 2005, Applicant retained Goodman Law Group, PC ("new counsel") in an effort to set aside the judgment entered against her by the Trademark Trial and Appeal Board.

6. New counsel immediately attempted to retrieve Applicant's file in order to proceed with a review of the case histories and preparation of the necessary motions to undo former counsel's wrongdoing.

7. Applicant's former counsel proved highly uncooperative in the forwarding of the client file to new counsel. Following several unsuccessful phone calls and letters requesting such, Applicant attempted to effectuate retrieval of the file through the filing of a formal complaint with the State Bar of California and a civil action in the Superior Court of California for conversion and injunctive relief in which Applicant sought a Court order compelling the surrender of Applicant's file. Attached hereto as Exhibits A and B respectively are true and correct copies of the State Bar Complaint filed on Applicant's behalf against Michael Painter, Esq. and the Complaint filed in Case No. BC342940 in the Superior Court of California.

8. New counsel finally received the voluminous case file on December 15, 2005.

9. Currently, new counsel is in the process of reviewing the contents of the file and preparing a Motion to Set Aside Judgment in the Anderson Opposition, pursuant to Fed. R. of Civ. P. 60(b), and an opposition to Anderson's Motion for Judgment on the Pleadings to be filed concurrently therewith.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: December 21, 2005

GOODMAN LAW GROUP PC

By: 
Amanda J. McLaughlin
Attorney for Applicant

QUAD INT'L, INCORPORATION
V.
ANDREA FISCHER

EXHIBIT “A”

DECLARATION OF
AMANDA J. McLAUGHLIN

THE STATE BAR OF CALIFORNIA
COMPLAINT FORM
Read instructions before filling in this form.

Date Nov. 2, 2005

- (1) Your name and address Andrea I. Fischer c/o Goodman Law Group, PC
695 Town Center Drive, 14th Floor, Costa Mesa, CA 92626
- (2) Telephone number: Residence (714) 754-0200 Work (714) 754-0200
- (3) The name, address and telephone number of the attorney being complained about. (See note below.)
Michael A. Painter, Esq., ISAACMAN, KAUFMAN & PAINTER, 8484
Wilshire Boulevard, Suite 850, Beverly Hills, CA 90211 (323) 782-7700

- (4) Have you or a member of your family complained about this attorney previously?
Yes , No X. If yes, please state to whom the previous complaint was made, its approximate date and disposition.

- (5) Did you employ the attorney? Answer yes or no and, if "yes," give the approximate date you employed him or them and the amount, if any, paid to him.

Yes, the date of the retainer agreement is 04/26/2004. From the period
of April 2004 until September 2005, over \$31,000.00 has been paid to
Mr. Painter.

- (6) If your answer to 5 above is "no," what is your connection with the attorney? Explain briefly.

- (7) Write out on a separate piece of paper and send with this form a statement of what the attorney did or did not do that you are complaining about. Please state the facts as you understand them. Do not include opinions or arguments. If you employed the attorney, state what you employed him to do. Sign and date such separate piece of paper. Further information may be requested. (Attach copies of pertinent documents.)

- (8) If your complaint is about a law suit, answer the following, if known:
a. Name of court (For example, Superior Court or Municipal - in what county)

Trademark Trial and Appeal Board

- b. Title of the suit (For example, Smith against Jones).

Quad Int'l. Incorporated v. Andrea Fischer, Thomas Anderson
v. Andrea Fischer

- c. Number of the suit Opposition No. 91160119, Opposition No. 91161452

- d. Approximate date the suit was filed 4/7/2004 7/21/2004

- e. If you are not a party to this suit, what is your connection with it? Explain briefly.

- (9) Size of law firm complained about (*) 1 Attorney 2-10 Attorneys 11+ Attorneys Don't know X

NOTE: If you are complaining about more than one attorney, write out the information about each in answer to questions 3 through 8 above on separate sheets if necessary.

Mail to:
Office of the Chief Trial Counsel/Intake
State Bar of California
1149 South Hill Street
Los Angeles, California 90015-2299

(*) Section 6095.1 of the Business and Professions Code mandates that the State Bar compile statistics concerning the size of the attorney's law firm - solo practitioner, small law firm (2-10 attorneys) and large law firm (11+ attorneys).

Signature

David A. Bernstein
Attorney for Andrea Fischer

QUAD INT'L, INCORPORATION
V.
ANDREA FISCHER

EXHIBIT “B”

DECLARATION OF
AMANDA J. McLAUGHLIN

Eric J. Goodman (State Bar No. 210694)
Amanda J. McLaughlin (State Bar No. 223376)
David A. Bernstein (State Bar No. 204472)
GOODMAN LAW GROUP, PC
695 Town Center Drive, 14th Floor
Costa Mesa, California 92626
Telephone: (714) 754-0200
Facsimile: (714) 754-0500
david@goodmanlawyers.com

Attorneys for Plaintiff,
ANDREA FISCHER

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

NOV 14 2005

John A. Clarke, Executive Officer/Clerk
By _____, Deputy

D. GILES

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL COURTHOUSE

ANDREA FISCHER,

PLAINTIFF,

v.

ISAACMAN, KAUFMAN &
PAINTER, PC; MICHAEL A.
PAINTER; and DOES 1 through 10,

Defendants.

Case No. BC342940

**COMPLAINT FOR CONVERSION
AND INJUNCTIVE RELIEF**

PLAINTIFF ANDREA FISCHER ("PLAINTIFF") complains and alleges as follows:

GENERAL ALLEGATIONS

1. PLAINTIFF, an individual, is, and at all times mentioned herein, was, a resident of the County of Los Angeles, State of California.
2. Defendant ISAACMAN, KAUFMAN & PAINTER, PC ("IKP") is a professional law corporation organized under the laws of the State of California and currently conducting business in California with its principal place of business located at 8484 Wilshire Boulevard, Suite 850, Beverly Hills, California 90211.
3. Defendant MICHAEL A. PAINTER ("PAINTER") is a named partner at the firm of co-defendant IKP and an attorney licensed to practice law in the State of California, California Bar No. 43600. PAINTER is currently practicing law for Defendant IKP at its principal place of business located at 8484 Wilshire Boulevard, Suite 850, Beverly Hills, California 90211.

COMPLAINT FOR CONVERSION AND INJUNCTIVE RELIEF

1 4. PLAINTIFF is unaware of the true names and capacities of the Defendants sued
2 herein as DOES 1 through 10, inclusive. Therefore, PLAINTIFF sues said DOES, and each
3 of them, by such fictitious names. PLAINTIFF is informed and believes, and thereon
4 alleges, that DOES 1 through 10, and each of them, are in some way associated with co-
5 defendants IKP and PAINTER, and PLAINTIFF prays that their true names and capacities,
6 when ascertained, may be incorporated by appropriate amendment.

7 5. PLAINTIFF is informed and believes, and based thereon alleges, that at all times
8 herein mentioned, each and every Defendant was the agent, servant, employee, joint
9 venturer, partner, subsidiary, and/or co-conspirator of each other Defendant, and that, in
10 performing or failing to perform the acts herein alleged, each was acting individually, as
11 well as through and in the foregoing alleged capacity, and within the course and scope of
12 such agency, employment, joint venture, partnership, subsidiary and/or conspiracy, and each
13 Defendant ratified and affirmed the acts and omissions of the other Defendants.
14 PLAINTIFF is further informed and believes that each Defendant, in taking the actions
15 alleged herein and/or ratifying the actions alleged herein, acted within the course and scope
16 of such authority and, at the same time, for their own financial and individual advantage, as
17 well as in the course and scope of such employment, agency and as an alter ego therein.

18 6. On or about April 26, 2004, PLAINTIFF retained Defendants as legal counsel to
19 represent her interests with regard to PLAINTIFF's trademark application for the mark
20 CHLOE VEVRIER, U.S. Serial No. 76516972.

21 7. On or about September 19, 2005, PLAINTIFF retained her present counsel,
22 GOODMAN LAW GROUP (GLG), to further represent her interests with regard to the
23 aforementioned trademark application.

24 8. On September 19, 2005, GLG forwarded a letter to Defendants IKP and PAINTER
25 notifying said Defendants of GLG's retention by PLAINTIFF. A copy of the September 19,
26 2005 letter is attached hereto as **Exhibit "A"**. In said correspondence, GLG requested that
27 PLAINTIFF's client file ("FILE") which was in the possession, custody and control of
28 defendants, and each of them, to be forwarded to GLG.

9. Following a lack of response from Defendants to GLG's initial correspondence, from September 21, 2005 through October 26, 2005, GLG made no less than nine (9) telephone calls to Defendants IKP and PAINTER in an attempt to secure the FILE.

10. On October 14, 2005, GLG sent further correspondence to Defendants IKP and PAINTER wherein another request for the FILE was made pursuant to Rules of Professional Conduct Rule 3-700(D)(1). A true and correct copy of the October 14, 2005 letter is attached hereto as **Exhibit "B"**.

11. Despite the numerous telephone calls to Defendants and the aforementioned correspondence, Defendants remain unresponsive and continue to unlawfully retain the FILE.

12. At all times mentioned herein, PLAINTIFF was, and is, entitled to possession of the FILE currently under the possession, custody and control of Defendants, but Defendants have failed and refused, and continue to fail and refuse, to return the FILE to PLAINTIFF.

13. Defendants continued unlawful possession of the FILE is in violation of Rules of Professional Conduct Rule 3-700(D)(1).

14. Between the time of Defendants' conversion of the above-mentioned property to its/their own use and the filing of this action, PLAINTIFF has properly expended, and continues to expend, time and money in pursuit of the converted property, all to PLAINTIFF's detriment in the sum of \$3,000.00.

15. Defendants' wrongful conduct of continuing to possess the FILE, unless and until enjoined and restrained by order of this Court, will cause great and irreparable injury in not allowing PLAINTIFF to prosecute her trademark application and defend pending opposition proceedings before the Trademark Trial and Appeal Board.

16. PLAINTIFF has no adequate remedy at law for the damages suffered, and/or currently being suffered, in that Defendants will continue to unlawfully possess the FILE unless restrained and PLAINTIFF would be required to maintain a multiplicity of judicial proceedings to protect her interests.

17. The Defendants' acts alleged above were willful, wanton, malicious, and oppressive and in severe disregard of PLAINTIFF's rights and interests and, therefore, justify the award of exemplary and punitive damages.

1
2 **WHEREFORE,** PLAINTIFF ANDREA FISCHER prays judgment against
3 Defendants, and each of them, as follows:

- 4 1. For the immediate return and forwarding of the FILE to PLAINTIFF's counsel,
5 GOODMAN LAW GROUP, PC;
6 2. For damages for the proximate and foreseeable loss resulting from defendant's
7 conversion in the sum to be proven at time of Trial;
8 3. For damages for time and money properly expended in pursuit of the converted
9 property in the sum to be proven at time of Trial;
10 4. For punitive and exemplary damages;
11 5. For costs of suit herein incurred; and
12 6. For such other and further relief as the court may deem proper.

13 Dated: November 14, 2005

GOODMAN LAW GROUP, PC

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16 By 

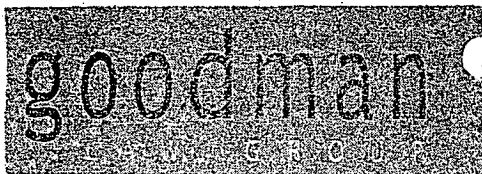
David A. Bernstein

Attorneys for PLAINTIFF ANDREA FISCHER
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GOODMAN LAW GROUP, PC
695 TOWN CENTER DRIVE, 14TH FLOOR
COSTA MESA, CALIFORNIA 92626

ANDREA FISCHER V.
ISAACMAN, KAUFMAN & PAINTER, ET AL.
LOS ANGELES SUPERIOR COURT

EXHIBIT "A"



A PROFESSIONAL CORPORATION

695 Town Center Drive, 14th Floor

Costa Mesa, California 92626

Telephone 714 754 0200

Fax 714 754 0500

Via First Class Mail and Facsimile (323) 782-7744

September 19, 2005

Mr. Michael A. Painter
ISAACMAN KAUFMAN & PAINTER PC
8484 Wilshire Boulevard, Suite 850
Beverly Hills, CA 90211
(323) 782-7700

Re: Substitution of Attorney

Client: Andrea Fischer
Mark: CHLOE VEVRIER
Serial No.: 76/546,972
Opposition No(s): 91160119, 91161452
Our File No.: 1410 100

Dear Mr. Painter:

This letter is to inform you that the above-referenced client has retained the services of GOODMAN LAW GROUP, PC to represent her interests in the referenced trademark application and opposition proceedings.

Please forward the client's file to the undersigned attention as soon as possible as time is of the essence. With certain deadlines in one more of the above-referenced opposition proceedings having already passed, we are certain that you appreciate the urgency of our request. Thank you in advance for your prompt attention to this letter. If you have any questions or concerns about the forwarding of the file, or anything else, please do not hesitate to give me a call.

Thank you for your professional courtesy and cooperation.

Very truly yours,

GOODMAN LAW GROUP, PC

Eric J. Goodman

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
GOODMAN LAW GROUP
17147540500
Sep-19-05 16:30

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
17	9/19 16:29	0'38"	13237827744	Send	2/ 2	EC144	Completed

Total 0'38" Pages Sent: 2 Pages Printed: 0

goodman
LAW GROUP

695 Tower Center Drive, 14th Floor
COSTA MESA, CALIFORNIA 92626
TELEPHONE 714.754.0300
FACSIMILE 714.754.0500

Facsimile Cover Sheet

To:	Michael A. Painter	From:	Eric J. Goodman
Fax:	(323) 782-7744	Pages:	2 (including cover)
Phone:	(323) 782-7700	Date:	09-19-05
Re:	Andrew Fischer (SOA)	File No.:	1410.100

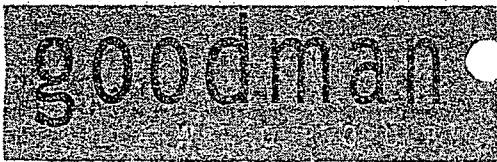
Please see attached letter.

This message, and any attachments, are intended only for the recipient(s) named above, and contain information that is confidential and may be privileged and exempt from disclosure. If you are not the intended recipient, or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any unauthorized review, use, or disclosure is prohibited. If you have received this communication in error, please notify the sender immediately and destroy the printed copy.

ANDREA FISCHER V.
ISAACMAN, KAUFMAN & PAINTER, ET AL.

LOS ANGELES SUPERIOR COURT

EXHIBIT “B”



A PROFESSIONAL CORPORATION

595 Town Center Drive, 14th Floor

Costa Mesa, California 92626

Telephone 714.754.0200

Fax 714.754.0500

Via First Class Mail and Facsimile (323) 782-7744

October 14, 2005

Alan L. Isaacman, Esquire
Brian Kaufman, Esquire
Michael A. Painter, Esquire
ISAACMAN, KAUFMAN & PAINTER PC
8484 Wilshire Boulevard, Suite 850
Beverly Hills, California 90211

Re: Release of Client's File

Client: Andrea Fischer

Serial No. 76/516,972

Our File No. 1410.100

Mark: CHLOE VEVRIER

Opposition No(s): 91160119, 91161452

Dear Gentlemen:

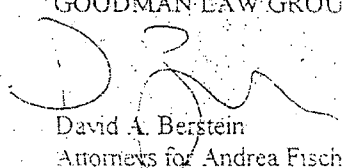
Please let this letter serve as a further and final attempt to have your firm release Ms. Fischer's files to our office. As stated in Eric Goodman, Esquire's letter, dated September 19, 2005, to Michael Painter, time is of the essence as to the above-referenced opposition proceedings.

As you are hopefully aware, Rules of Professional Conduct Rule 3-700(D)(1) directs you to "promptly release" all client papers and property. Your firm's less than prompt release of the file continues to prejudice your former client, in violation of the Rules of Professional Conduct, as the files should have been turned over three (3) weeks ago.

For the record, Wolf Beech, a paralegal at our firm, has left approximately half-a-dozen voicemails with Sheryl, of your firm, from September 21, 2005 to October 12, 2005. Only one (1) of those messages was returned, after business hours, and it informed this firm that Mr. Painter was "out-of-town" and would "sign off" on releasing the files on "Wednesday October 12, 2005." On October 12, 2005, Mr. Beech again left a message offering to have somebody retrieve the files from your office and again there has been no response from your firm.

Please forward the file to my attention immediately. Thank you for your anticipated prompt response to the foregoing.

Very truly yours,
GOODMAN LAW GROUP, PC


David A. Bernstein
Attorneys for Andrea Fischer

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
GOODMAN LAW GROUP
17147540500
Oct-14-05 13:18

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
216	10/14 13:18	0'41"	13237827744	Send	2/ 2	EC144	Completed

Total 0'41" Pages Sent: 2 Pages Printed: 0

goodman
LAW GROUP

695 TOWN CENTER DRIVE, 14TH FLOOR
COSTA MESA, CALIFORNIA 92626
TELEPHONE 714.754.0200
FACSIMILE 714.754.0500

FACSIMILE COVER SHEET

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. You will be promptly reimbursed for all costs of mailing. Thank you.

TO: Alan L. Isaacman, Esquire
Brian Kaufman, Esquire
Michael A. Painter, Esquire

FAX NO: 323.782.7744

FROM: David A. Bernstein, Esquire

DATE: October 14, 2005

RE: Andrea Fischer's File

PAGES: 2 (including cover page)

COMMENTS: